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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,222	10/24/2003	Vyacheslav M. Ryaboy	155603-0311	2279

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EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
3632	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,222

Applicant(s)

RYABOY ET AL.

Examiner

Steven M. Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the second office action for U.S. Application 10/693,222 for an Instrumented Platform for Vibration Sensitive Equipment filed by Vyacheslav Ryaboy on October 24, 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-6, 8, 9, 11, 12, 14-16, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,511,035 B1 to Teel et al. Teel et al. discloses a platform assembly with a table (10) that has a first surface (12) coupled to the vibration-sensitive payload, a second surface (bottom of 14), and an inner core (portion inside of 12 and 14) located between the first and second surfaces. There is a vibration sensor (52) located with the inner core and the first surface extends along a first plate (38) and the vibration sensor is attached to the first plate (by the structure of the table). There is a damper (44) located within the inner core that includes an active actuator that is coupled to the vibration sensor. There is a control circuit (150) coupled

Art Unit: 3632

to the vibration sensor and the active actuator and there is a honeycomb core (col. 3, lines 20-24) within the inner core. The control circuit causes the active actuator to create an active force that emulates the effect of a viscous damper in a frequency domain encompassing a plurality of natural frequencies of a flexural vibration of the first surface.

Claims 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,220,100 B1 to Felkins et al. Felkins et al. discloses a method for sensing vibration of a payload coupled to a first surface of a platform table comprising the steps of sensing the vibration with a vibration sensor (58) and transmitting the output signals from the vibrations sensors. Claims 21-25 contain limitations not directed towards the method steps of sensing the vibration, and therefore these limitations are given no patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teel et al. in view of U.S. Patent 5,170,104 to Laughlin. Teel et al. discloses the sensor attached to a control system, but does not disclose an electrical connector attached to an external surface of the table and coupled to the vibration sensor. Laughlin discloses

Art Unit: 3632

a platform assembly with a vibration sensor (14) that is connected to a control system (17) by an electrical connector (the wires). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an electrical connector (such as wire) between the sensor and control system, for the purpose of providing a means of connection between the two.

Claims 7, 17, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teel et al. in view of Huang et al. Teel et al. does not disclose a monitor coupled to the vibration sensors (accelerometer). Huang et al. discloses a device where the dynamics of the assembly are measured by vibration sensors (14) attached to a monitor (26 via 20) so the vibration can be compensated for. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have coupled a monitor to the vibration sensors taught by Teel et al., as taught by Huang et al., for the purpose of measuring dynamics of the system to compensate for vibrations.

Response to Arguments

Applicant's arguments filed June 17, 2005 have been fully considered but they are not persuasive. In response to Applicant's argument that Teel fails to teach a vibration sensor means located within the inner core, it is pointed out that the first surface is the top of 12 and the second surface is the bottom of 14. The core (shown in figure 3) is located between the two and contains the sensor (52).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is

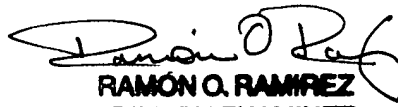
Art Unit: 3632

(571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM

Steven M. Marsh

September 2, 2005


RAMÓN O. RAMÍREZ
PRIMARY EXAMINER